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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,439	12/21/2001	Antanas V. Narusevicius	SPE-35	1894

7590

08/12/2003

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EXAMINER

LUEBKE, RENEE S

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,439

Applicant(s)

NARUSEVICIUS & BYON &
ALVAREZ

Examiner

Renee S. Luebke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 27 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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1. The proposed drawing corrections, filed June 27, 2003, are approved by the examiner. These drawings are not seen to be formal drawings because they do not match the format (they are a different size) of the earlier filed set and cannot be inserted thereinto. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

2. The disclosure is objected to because the specification includes excessive discussion of features such as the cabinet, truck, etc. that are not the subject of the presently claimed invention. Contrary to applicant's assertions, the excessive description of the other components does not provide context and establish the environment. Although a general description of the entire device might be helpful, the detailed description of the features is not required. Further, the copending applications (which should be referenced in the present specification) and rights to file future applications are not relevant to the issue of what is appropriate for the specification describing the presently claimed apparatus.

Applicant suggests that there are no rules or other restrictions on the length or content of the disclosure. However, while the disclosure may be of any length, it is limited in content. As required by 37 CFR 1.71, "the specification must set forth **the precise invention** for which a patent is solicited" (emphasis added). This requirement limits the disclosure to the subject matter of the invention. The present disclosure includes detailed description for many more inventions than that of the present application. It is suggested that these other inventions are nonessential subject matter may be better represented if incorporated by reference.

Appropriate corrections are required.

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3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 8 remains rejected under 35 U.S.C. 102(b) as being anticipated by Swindler, et al. (see Fig. 1). This controller comprises a means for disconnecting 112, a means for illuminating the switch 122 and a means for racking 118, 120.

Applicant argues that "Swindler does not disclose a disconnect switch associated with the circuit breaker" and therefore also does not disclose a "means for illuminating a disconnect switch." She apparently does not agree with the examiner in considering the "circuit breaker 112" to be the disconnect switch. However, the difference between the circuit breaker 112 of Swindler and the disconnect switch of the present invention is merely semantic. (It is noted that the structure of the switching means is shown in more detail in US Patent No. 4693132, which is incorporated by reference by Swindler). The arrangement indicated by 112 includes contacts, switch blades, etc. that are shown as the means for disconnect switching in Fig. 22, for example, of the present application. This switching mechanism is seen to be the equivalent of the "means for disconnect switching" in claim 8. "That is, the prior art element performs the function specified in the claim in substantially the same manner as the function is performed by the corresponding element described in the specification." (MPEP 2184)

It appears from applicant's remarks, which refer to paragraphs 53-63 of the present specification, that applicant may consider the fuses, fuseholders, shroud, etc. to be part of the means for disconnect switching. However, these parts perform other functions (for example, as stated in paragraph 53, "the fuses "provide overcurrent protection") and do not provide the switching function.

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Applicant has not shown why the switching means of Swindler is not equivalent to the corresponding elements of the present invention.

5. Claims 1-7 are allowed. The prior art fails to show or teach a controller comprising three castings and a housing arranged as claimed.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. **It is suggested that responses to this final action be faxed to:**

(703) 872-9319 or 308-7722, 308-7724

Please refrain from sending a confirmation copy, as noted in 37 CFR 1.6(d) and 1.8(b).

For formal communications, please mark "EXPEDITED PROCEDURE."

For informal or draft communications please clearly label "PROPOSED" or "DRAFT."

Alternatively, responses may be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

Hand-delivered responses should be brought to:

Crystal Plaza 4, Fourth Floor (Receptionist)
2201 South Clark Place, Arlington, Virginia.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mrs. Renee Luebke at (703) 308-1511. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (703) 308-2319.

A handwritten signature in black ink, appearing to be 'RL' or 'R. Luebke', written in a cursive style.

Renee S. Luebke
Primary Patent Examiner
August 7, 2003